



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-13-00340-CV**

ERIC DRAKE

APPELLANT

V.

CHASE BANK

APPELLEES

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FROM THE 158TH DISTRICT COURT OF DENTON COUNTY  
TRIAL COURT NO. 2013-20534-158

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**ORDER**  
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The court has considered “Appellants’ Motion To Recuse And Disqualify Justices John Robert McCoy and E. Lee Gabriel.” Justice McCoy has retired from the Court; thus, we deny this portion of Appellant’s motion as moot. We likewise deny the portion of Appellant’s motion seeking to recuse or disqualify Justice Gabriel.<sup>1</sup> See Tex. R. App. P. 16; Tex. R. Civ. P. 18b.

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<sup>1</sup>As required, Justice Gabriel certified the motion as it pertained to her to the entire court, which decided that portion of the motion by a majority of the remaining justices sitting en banc. Justice Gabriel did not sit with the remainder of the court to consider the motion as to her. See Tex. R. App. P. 16.3(b).

The clerk of this court is directed to transmit a copy of this order to the attorneys of record.

DATED January 23, 2015.

PER CURIAM

EN BANC

MEIER, J., recused.

GABRIEL, J., not participating.